



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0753

Introduced 2/6/2009, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-315

was 20 ILCS 2310/55.41

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that the financial qualification for the AIDS Drug Assistance Program shall be that the anticipated gross monthly income shall be at or below (instead of above) 500% of the most recent Federal Poverty Guidelines. Provides that the Department of Public Health may determine the income eligibility standard for the AIDS Drug Assistance Program each year and may set the standard at more than 500% of the Federal Poverty Guidelines for the size of the household, provided that moneys appropriated to the Department for the program are sufficient to cover the increased cost of implementing the higher income eligibility standard. Effective immediately.

LRB096 04677 DRJ 14738 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-315 as follows:

7 (20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

8 Sec. 2310-315. Prevention and treatment of AIDS. To perform
9 the following in relation to the prevention and treatment of
10 acquired immunodeficiency syndrome (AIDS):

11 (1) Establish a State AIDS Control Unit within the
12 Department as a separate administrative subdivision, to
13 coordinate all State programs and services relating to the
14 prevention, treatment, and amelioration of AIDS.

15 (2) Conduct a public information campaign for physicians,
16 hospitals, health facilities, public health departments, law
17 enforcement personnel, public employees, laboratories, and the
18 general public on acquired immunodeficiency syndrome (AIDS)
19 and promote necessary measures to reduce the incidence of AIDS
20 and the mortality from AIDS. This program shall include, but
21 not be limited to, the establishment of a statewide hotline and
22 a State AIDS information clearinghouse that will provide
23 periodic reports and releases to public officials, health

1 professionals, community service organizations, and the
2 general public regarding new developments or procedures
3 concerning prevention and treatment of AIDS.

4 (3) (Blank).

5 (4) Establish alternative blood test services that are not
6 operated by a blood bank, plasma center or hospital. The
7 Department shall prescribe by rule minimum criteria, standards
8 and procedures for the establishment and operation of such
9 services, which shall include, but not be limited to
10 requirements for the provision of information, counseling and
11 referral services that ensure appropriate counseling and
12 referral for persons whose blood is tested and shows evidence
13 of exposure to the human immunodeficiency virus (HIV) or other
14 identified causative agent of acquired immunodeficiency
15 syndrome (AIDS).

16 (5) Establish regional and community service networks of
17 public and private service providers or health care
18 professionals who may be involved in AIDS research, prevention
19 and treatment.

20 (6) Provide grants to individuals, organizations or
21 facilities to support the following:

22 (A) Information, referral, and treatment services.

23 (B) Interdisciplinary workshops for professionals
24 involved in research and treatment.

25 (C) Establishment and operation of a statewide
26 hotline.

1 (D) Establishment and operation of alternative testing
2 services.

3 (E) Research into detection, prevention, and
4 treatment.

5 (F) Supplementation of other public and private
6 resources.

7 (G) Implementation by long-term care facilities of
8 Department standards and procedures for the care and
9 treatment of persons with AIDS and the development of
10 adequate numbers and types of placements for those persons.

11 (7) (Blank).

12 (8) Accept any gift, donation, bequest, or grant of funds
13 from private or public agencies, including federal funds that
14 may be provided for AIDS control efforts.

15 (9) Develop and implement, in consultation with the
16 Long-Term Care Facility Advisory Board, standards and
17 procedures for long-term care facilities that provide care and
18 treatment of persons with AIDS, including appropriate
19 infection control procedures. The Department shall work
20 cooperatively with organizations representing those facilities
21 to develop adequate numbers and types of placements for persons
22 with AIDS and shall advise those facilities on proper
23 implementation of its standards and procedures.

24 (10) The Department shall create and administer a training
25 program for State employees who have a need for understanding
26 matters relating to AIDS in order to deal with or advise the

1 public. The training shall include information on the cause and
2 effects of AIDS, the means of detecting it and preventing its
3 transmission, the availability of related counseling and
4 referral, and other matters that may be appropriate. The
5 training may also be made available to employees of local
6 governments, public service agencies, and private agencies
7 that contract with the State; in those cases the Department may
8 charge a reasonable fee to recover the cost of the training.

9 (11) Approve tests or testing procedures used in
10 determining exposure to HIV or any other identified causative
11 agent of AIDS.

12 (12) Provide prescription drug benefits counseling for
13 persons with HIV or AIDS.

14 (13) Continue to administer the AIDS Drug Assistance
15 Program that provides drugs to prolong the lives of low income
16 Persons with Acquired Immunodeficiency Syndrome (AIDS) or
17 Human Immunodeficiency Virus (HIV) infection who are not
18 eligible under Article V of the Illinois Public Aid Code for
19 Medical Assistance, as provided under Title 77, Chapter 1,
20 Subchapter (k), Part 692, Section 692.10 of the Illinois
21 Administrative Code, effective August 1, 2000, except that the
22 financial qualification for that program shall be that the
23 anticipated gross monthly income shall be at or below ~~above~~
24 500% of the most recent Federal Poverty Guidelines published
25 annually by the United States Department of Health and Human
26 Services for the size of the household. Notwithstanding the

1 preceding sentence, the Department of Public Health may
2 determine the income eligibility standard for the AIDS Drug
3 Assistance Program each year and may set the standard at more
4 than 500% of the Federal Poverty Guidelines for the size of the
5 household, provided that moneys appropriated to the Department
6 for the program are sufficient to cover the increased cost of
7 implementing the higher income eligibility standard.

8 (14) In order to implement the provisions of Public Act
9 95-7, the Department must expand HIV testing in health care
10 settings where undiagnosed individuals are likely to be
11 identified. The Department must purchase rapid HIV kits and
12 make grants for technical assistance, staff to conduct HIV
13 testing and counseling, and related purposes. The Department
14 must make grants to (i) facilities serving patients that are
15 uninsured at high rates, (ii) facilities located in areas with
16 a high prevalence of HIV or AIDS, (iii) facilities that have a
17 high likelihood of identifying individuals who are undiagnosed
18 with HIV or AIDS, or (iv) any combination of items (i), (ii),
19 and (iii).

20 (Source: P.A. 94-909, eff. 6-23-06; 95-744, eff. 7-18-08.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.